



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: September 13, 2013

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING ORDINANCE) BY:

- **AMENDING SECTIONS 20.50.100 AND 20.50.110, TO ADD PERMIT REQUIREMENTS FOR CONDITIONAL USES REQUIRING CITY COUNCIL APPROVAL AS THE INITIAL DECISION-MAKING BODY, ADDING WAREHOUSE INDOOR RETAIL SALE OF PASSENGER VEHICLES, PICK-UP TRUCKS NOT EXCEEDING 25 FEET IN LENGTH, AND MOTORCYCLES AS A CONDITIONAL USE, ADDING OUTDOOR COMMERCIAL RECREATION AS A CONDITIONAL USE, ADDING STADIUMS AS A CONDITIONAL USE, ADDING AQUAPONICS/AQUACULTURE AS A SPECIAL USE, ADDING NEIGHBORHOOD AGRICULTURE AS A PERMITTED USE, AND AMENDING THE METHOD OF CALCULATION OF COMMERCIAL SUPPORT USES IN THE IP INDUSTRIAL PARK DISTRICT;**
- **ADDING SECTION 20.50.140 TO ESTABLISH CRITERIA FOR ISSUING A CONDITIONAL USE PERMIT FOR WAREHOUSE INDOOR RETAIL SALE OF PASSENGER VEHICLES, PICK-UP TRUCKS NOT EXCEEDING 25 FEET IN LENGTH, AND MOTORCYCLES; AMENDING SECTION 20.50.270 TO CLARIFY THAT ALLOWANCES FOR MINOR PROJECTIONS INTO SETBACK AREAS OF UP TO TWENTY (20) PERCENT OF BUILDING LENGTH APPLY INDEPENDENTLY AND NOT CUMULATIVELY TO SUBSECTIONS B AND D OF THIS SECTION;**
- **AMENDING SECTION 20.50.300 TO CHANGE THE PERMIT REQUIREMENT FROM A CONDITIONAL USE PERMIT TO A SPECIAL USE PERMIT FOR EXCEEDANCE OF DECIBEL LEVELS IN TABLE 20-135; AMENDING SECTION 20.85.030 OF CHAPTER 20.85 TO CHANGE THE MAXIMUM ALLOWABLE HEIGHT FOR COMMUNICATION TOWERS AND OTHER SIMILAR NONBUILDING STRUCTURAL USES**
- **AMENDING SECTION 20.100.220 OF CHAPTER 20.100 TO ADD PROVISIONS FOR COUNCIL AS THE INITIAL DECISION MAKING BODY FOR STADIUMS WITH MORE THAN 2,000 SEATS; AMENDING**

SECTION 20.170.300 OF CHAPTER 20.170 TO DELETE ADDITIONAL PARKING REQUIREMENTS FOR RESIDENTIAL CONDOMINIUM AND COMMUNITY APARTMENT PROJECT REGULATIONS BEYOND THE PARKING REQUIREMENTS FOR RESIDENTIAL USES ENUMERATED IN CHAPTER 20.90; AND

- **AMENDING CHAPTER 20.200 TO ADD NEW SECTIONS TO ADD A DEFINITION OF "PLANT NURSERY" AND ADD A DEFINITION OF "AQUAPONICS/AQUACULTURE"; ALL TO FURTHER IMPLEMENT THE URBAN AGRICULTURE, ECONOMIC DEVELOPMENT, AND ZONING GOALS AND POLICIES SET FORTH WITHIN THE ENVISION SAN JOSE 2040 GENERAL PLAN, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20**

RECOMMENDATION

The Planning Commission voted 6-0-1 (Kline absent) to recommend to the City Council the approval of the proposed ordinance as described above per the staff recommendation.

OUTCOME

Approval of these ordinance amendments would streamline permitting processes and reduce the need for Planned Development Zonings. Specifically the changes would allow:

1. Aquaculture and Aquaponics as a Special Use and Neighborhood Agriculture as a Permitted Use in all conventional Industrial Zoning Districts;
2. Outdoor Commercial Recreation with a Conditional Use Permit in the CIC-Combined Industrial/Commercial Zoning District;
3. Stadiums with up to 2,000 seats with a Conditional Use Permit in the CIC-Combined Industrial/Commercial or TEC-Transit Employment Center Zoning Districts;
4. Stadiums with more than 2,000 seats with a Council-approved Conditional Use Permit in the CIC-Combined Industrial/Commercial Zoning District;
5. Warehouse Indoor Retail Sale of Vehicles (as described in Title 20) with a Conditional Use Permit in all the conventional Industrial Zoning Districts;
6. Exceedance of the standards for peak-level noise events in conventional Industrial Zoning Districts With a Special Use Permit – currently this is possible with a Conditional Use Permit;

7. Communication towers and other similar structures to be up to one hundred and fifty (150) feet, rather than one hundred (100) feet in Height in all conventional Zoning Districts; and
8. Minor changes to delete redundancies and clarify existing provisions.

BACKGROUND

On September 11, 2013, the Planning Commission conducted a public hearing on the proposed ordinance. See the attached Staff Report to the Planning Commission for the full analysis, description of the public outreach, and coordination conducted on the proposed amendments to Title 20 (the Zoning Ordinance).

ANALYSIS

Staff summarized the proposed ordinance and noted that a simplified table of the proposed new land uses and permitting requirements for conventional Industrial Zoning Districts had been handed out to the Planning Commission at the beginning of the public hearing (see attached “Draft Abbreviated and Simplified Table 20-110”).

Public Testimony

Zachary Lewis, representing CommUniverCity/Garden to Table, requested the allowance of sales, greenhouses, and animal husbandry (e.g., bees and chickens as are allowed in residential zones) as part of the Neighborhood Agriculture use and expressed concern about barriers to entry for urban agriculture with a one-acre size limitation. Staff clarified that sales, greenhouses, and animal husbandry provisions either are already allowed or are proposed in this ordinance in conformance with Title 7 of the San José Municipal Code. Staff also explained that larger-scale agriculture is not consistent with the purposes of the Industrial Zoning Districts because these Districts are located on a limited supply of land intended primarily for industrial uses, which can involve intensive or hazardous operations that may not be compatible or viable with larger-scale agricultural uses. Staff added that agricultural uses in these areas are intended to be operated on small underutilized remnant sites. Staff mentioned that an upcoming ordinance amending the Commercial Zoning Districts regulations may provide an opportunity for more extensive changes with respect to Neighborhood Agriculture and related uses than the subject Industrial Zoning Districts ordinance.

Planning Commission Discussion

Commissioner Kamkar asked staff for clarification about the proposed requirement for Council approval of a Conditional Use Permit for stadiums with more than 2,000 seats. Staff stated that Council would consider such proposals for approval at a public hearing after Planning Commission considers the proposals and makes a recommendation to Council. As proposed by staff, stadiums with more than 2,000 seats would require a Council-approved Conditional Use

Permit in the CIC Combined Industrial/Commercial Zoning District and would be prohibited in other conventional Industrial Zoning Districts.

Commissioner O'Halloran asked staff if there were any uses in the City of San José currently that were similar to the proposed "Warehouse Indoor Retail Sale of Vehicles" use. Staff said that there was at least one indoor vehicle use in an industrial Planned Development Zoning District in the City, and that there had been interest expressed in allowing opportunities for permitting the proposed use in conventional Industrial Zoning Districts rather than relying on Planned Development Zonings.

Commissioner Abelite asked staff how the proposals for adding newly defined uses, such as Aquaculture/Aquaponics, and for increasing the maximum allowable height for communication towers and similar structures had been initiated. Staff responded that these proposed provisions were drafted in response to customer feedback and inquiries by businesses.

There was a motion made by Commissioner Cahan to approve staff recommendation. The motion passed unanimously.

EVALUATION AND FOLLOW-UP

If the City Council votes to approve this ordinance, it would become final following a second reading at a subsequent City Council hearing and effective 30 days following that second reading. If the ordinance is approved, Title 20 of the City's Municipal Code will be updated to:

- Allow streamlined land use entitlement processes for consideration of specific non-industrial employment uses in conventional Industrial Zoning Districts while maintaining the viability of industrial land in the City; and
- Include other minor technical, non-substantive, or formatting changes within the applicable sections of the Zoning Ordinance.

PUBLIC OUTREACH/INTEREST

Planning staff held a community meeting on July 17, 2013, with approximately 30 members of the public including residents, industry representatives, and developers in attendance, followed by the PBCE Developers' Roundtable on August 2, 2013, which provided forums for public input on the proposed amendments. Public outreach for this proposal complies with the City Council's Public Outreach Policy and the Municipal Code. A public hearing notice including the Planning Commission and City Council hearing dates was published in the San José Post-Record and emailed to a list of interested groups and individuals. Staff has posted the hearing notice, staff report and draft ordinance on the Department's website and has been available to discuss the proposal with interested members of the public.

COORDINATION

Preparation of this report and the proposed ordinance were coordinated with the City Attorney's Office.

CEQA

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program. Accordingly, the Final Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan entitled, "Envision San José 2040 General Plan," for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final PEIR. Therefore, the City of San José may take action on the project as being within the scope of the Final PEIR, File No. PP13-077.

/s/

JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions, please contact Jenny Nusbaum at 408-535-7872.

Attachments:

- Planning Commission Staff Report
- Draft Abbreviated and Simplified Table 20-110



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: August 29, 2013

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING ORDINANCE) BY:

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- ADDING SECTION 20.50.140 TO ESTABLISH CRITERIA FOR ISSUING A CONDITIONAL USE PERMIT FOR WAREHOUSE INDOOR RETAIL SALE OF PASSENGER VEHICLES, PICK-UP TRUCKS NOT EXCEEDING 25 FEET IN LENGTH, AND MOTORCYCLES; AMENDING SECTION 20.50.270 TO CLARIFY THAT ALLOWANCES FOR MINOR PROJECTIONS INTO SETBACK AREAS OF UP TO TWENTY (20) PERCENT OF BUILDING LENGTH APPLY INDEPENDENTLY AND NOT CUMULATIVELY TO SUBSECTIONS B AND D OF THIS SECTION;
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- **AMENDING SECTION 20.100.220 OF CHAPTER 20.100 TO ADD PROVISIONS FOR COUNCIL AS THE INITIAL DECISION MAKING BODY FOR STADIUMS WITH MORE THAN 2,000 SEATS; AMENDING SECTION 20.170.300 OF CHAPTER 20.170 TO DELETE ADDITIONAL PARKING REQUIREMENTS FOR RESIDENTIAL CONDOMINIUM AND COMMUNITY APARTMENT PROJECT REGULATIONS BEYOND THE PARKING REQUIREMENTS FOR RESIDENTIAL USES ENUMERATED IN CHAPTER 20.90; AND**
- **AMENDING CHAPTER 20.200 TO ADD NEW SECTIONS TO ADD A DEFINITION OF “PLANT NURSERY” AND ADD A DEFINITION OF “AQUAPONICS/AQUACULTURE”; ALL TO FURTHER IMPLEMENT THE URBAN AGRICULTURE, ECONOMIC DEVELOPMENT, AND ZONING GOALS AND POLICIES SET FORTH WITHIN THE ENVISION SAN JOSÉ 2040 GENERAL PLAN, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20.**

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend to the City Council the approval of the ordinance changes outlined in this memorandum to amend Title 20 of the San José Municipal Code (the Zoning Ordinance) as summarized above. The primary purpose of the proposed amendments is to further implement the Economic Development, Land Use, and Urban Agriculture Goals and Policies set forth within the Envision San José 2040 General Plan (General Plan) and to make other technical, nonsubstantive, or formatting changes within those sections of the Zoning Ordinance.

OUTCOME

Approval of the proposed amendments to the Zoning Ordinance would potentially allow more flexibility of uses through streamlined permitting processes on Sites¹ in conventional Zoning Districts including:

1. With a Conditional Use Permit in Industrial Zoning Districts – Outdoor Commercial Recreation, stadiums, or “Warehouse Indoor Retail Sale of Vehicles”;
2. With a Special Use Permit in Industrial Zoning Districts – exceedance of the standards for peak-level noise events (currently allowed with a Conditional Use Permit), and “Aquaculture/Aquaponics”;
3. As a Permitted Use in Industrial Zoning Districts – Neighborhood Agriculture;

¹ Capitalized zoning terms are defined in Chapter 20.200 of the Zoning Ordinance.

4. In all Zoning Districts – Communication towers and other similar structures to be up to one hundred and fifty (150) feet, rather than one hundred (100) feet, in Height; and
5. Minor changes to delete redundant provisions and clarify existing provisions.

BACKGROUND

The City Council ordinance work plan provides for quarterly amendments of the Municipal Code to better align the Zoning Ordinance with General Plan Goals, Policies and Action Items. Between January 2012 and June 2013, the City Council approved Zoning Ordinance amendments to promote economic development, permit streamlining, and increased access to healthy food (see attached matrix). These changes added more flexibility for employment uses in Industrial Zoning Districts and reduced or eliminated Planning permit requirements for: small-scale agriculture as a Home Occupation; certified farmers' markets; and mobile vending. The changes that staff currently is proposing would supplement these previous amendments and implement Envision San José 2040 General Plan Major Strategies, Goals, and Policies for economic development.

ANALYSIS

The General Plan Major Strategies, Goals, and Policies promote economic development by:

- Establishing the City as a regional employment center to enhance the City's leadership role in North America and support the City's fiscal health;
- Providing a mix of commercial and industrial employment lands in a wide range of locations to support an innovative economy with job opportunities for a demographically diverse population;
- Promoting the expansion of commercial activity throughout the City; and
- Improving the City's fiscal health.

The General Plan also includes a Major Strategy with supporting Goals and Policies to promote public health by:

- Creating community gathering spaces;
- Providing retail and services near residential areas; and
- Developing a sustainable food system with locations for locally grown produce.

Purpose of Amendments

The proposed ordinance amendments are intended to directly implement these General Plan Major Strategies, Goals, and Policies according to five objectives:

1. Streamlining land use entitlement processes for specific non-industrial employment uses in conventional Industrial Zoning Districts;

2. Maintaining the viability of industrial land in the City;
3. Facilitating Private Community Gathering Facilities, which include recreational facilities and stadiums as defined in the Envision San José 2040 General Plan;
4. Implementing General Plan Goals and Policies for Urban Agriculture;
5. Making other minor technical, non-substantive, or formatting changes within the applicable sections of the Zoning Ordinance.

The following analysis considers how key the proposed amendments will achieve these five objectives consistent with the relevant General Plan Goals, Policies and Actions.

1) Streamlining Processes for Non-industrial Uses in Industrial Zoning Districts

The General Plan's policies for economic development and the City's fiscal health acknowledge the value of streamlining land use entitlement processes for business-related activities while also maintaining adequate land use controls to protect key employment activities that could be directly impacted by conversion of industrial lands or indirectly impacted by the intrusion of incompatible land uses within employment districts. Recognizing the City's particular undersupply of Light Industrial and Heavy Industrial lands, the General Plan's industrial land preservation policies associated with these land uses are the most restrictive for the Heavy Industrial and Light Industrial land use designations in the General Plan.

The proposed amendments would potentially allow newly enumerated commercial or urban agriculture uses on Sites that have land use designations in the General Plan that mainly support industrial uses (e.g., Combined Industrial/Commercial, Transit Employment Center, Industrial Park, Light Industrial and Heavy Industrial), but which, to varying degrees, also allow for compatible non-industrial uses including uses associated with warehousing.

The conventional Industrial Zoning Districts (e.g., Combined Industrial/Commercial, Transit Employment Center, Industrial Park, Light Industrial, and Heavy Industrial) are intended to directly implement the respective land use designations in the General Plan. These Industrial Zoning Districts, to different degrees, potentially allow compatible commercial uses, including uses associated with community gathering places and Warehouse Retail, which the Zoning Ordinance defines as "an establishment wherein the sale of large items, including but not limited to furniture, appliances, and machinery, occurs in an industrial building."

Currently, individual Sites in Industrial Zoning Districts must be re-zoned to Planned Development Zoning Districts to allow for the newly enumerated uses that are proposed in this Ordinance. Adoption of the proposed amendments would potentially allow these employment-related uses in conventional Industrial Zoning Districts as Permitted, Conditional, or Special Uses, thereby reducing the need for applying for Planned Development Zoning Districts that often involve time-consuming and costly land use entitlement processes for businesses, which can create barriers to entry.

To preserve and maintain industrial uses, the proposed provisions are crafted so that the newly enumerated uses would be of a design, scale, and intensity on specific Sites to be compatible with industrial uses in proximity to such Sites. Other potentially compatible uses, which are not specifically enumerated in these Zoning Districts, could still be proposed through a Planned Development Zoning process.

General Plan Consistency

The proposed amendments would facilitate specific commercial and urban agriculture uses in conventional Industrial Zoning Districts by providing streamlined permitting processes for those uses. Permit streamlining directly implements or contributes to the implementation of Actions identified in the General Plan, related to Goals and Policies for land use, employment, economic development, fiscal sustainability, and urban agriculture, including:

Action – General Land Use

LU-1.9 Review criteria in the Zoning Ordinance and update it as appropriate to reflect Land Use Goals, Policies, and implementation Actions in this Plan.

Action – Business Growth and Retention

IE-2.8 Evaluate and periodically update the City's policies, regulations and ordinances to maintain San José's competitive ability to attract and grow businesses, including small businesses and home occupations.

Action – Cultivate Fiscal Resources

FS-2.8 Work with new and existing businesses operating within San José to ensure that San José is designated as the point of sale for all taxable transactions. Encourage San José residents to buy in San José and plan our City to make doing so easier.

Action – Land Use and Employment

IE-1.17 Adopt an ordinance that protects the manufacturing rights of existing industrial land uses within San José.

Actions – Urban Agriculture

LU-12.9 Develop a City Council Policy to address ways San José will support Urban Agriculture. This policy should include strategies to increase access to healthful foods, particularly in low income or nutritionally-deficient areas; increase the sale and availability of locally or regionally grown foods; increase urban food production; and clearly identify the appropriate City processes for dealing with agriculture issues.

LU-12.10 Work with the County Health Department, school districts and non-profit health organizations, particularly at schools, community centers and libraries, on efforts to educate the community on the nutritional, economic, and environmental benefits of consuming locally grown and ecologically sound foods.

LU-12.11 Revise the Zoning Ordinance to allow both community gardens and incidental gardening as permitted uses in appropriate zoning districts.

The proposed changes to the Zoning Ordinance are also consistent with the following General Plan Policies:

Policies – Zoning

IP-8.2 Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision General Plan Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective Envision General Plan land use designations, while providing greater detail as to the appropriate land uses and form of development.

Policy – Land Use / Transportation Diagram

IP-1.7 Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which can not be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.

Policy – City Operations

FS-1.5 Provide speed, consistency, and predictability for land use entitlement processes while using these processes to add value and improve the quality of development.

2) Maintaining the Viability of Industrial Land in the City

Industrial lands are under greater pressure to be converted to non-industrial use when they are vacant or underutilized. By carefully expanding the number of potentially permitted uses within the Industrial districts, and by streamlining the permit process related to noise-generating activity, the amendments can help the City's fiscal sustainability while protecting the viability of purely industrial uses. The proposed amendments provide specific measures for needed flexibility within industrial districts including additional allowances for indoor retail activity within a warehouse building and a streamlined permit process for noise-generating uses.

Add Warehouse Indoor Retail Sale of Vehicles as a Conditional Use

To improve retail activity and increase sales tax revenue to the City's General Fund, while responding to new business trends, the proposed amendments would add "Warehouse Indoor Retail Sale of Passenger Vehicles, Pick-up Trucks not Exceeding 25 feet in Length, and Motorcycles" ("Warehouse Indoor Retail Sale of Vehicles") as an enumerated Conditional Use in all conventional Industrial Zoning Districts.

In the descriptions of industrial land use designations in the General Plan, "warehousing" is identified as compatible with purely industrial uses. In addition, all conventional Industrial Zoning Districts support warehousing uses. The newly enumerated "Warehouse Indoor Retail

Sale of Vehicles,” as a Conditional Use, would be similar in scale and intensity to the Warehouse Retail use that the Zoning Ordinance already allows as a Conditional Use in conventional Light Industrial and Heavy Industrial Zoning Districts. The Conditional Use Permit process gives the City discretionary review to perform CEQA analysis and determine how well specific proposals conform to the General Plan Goals and Policies related to the preservation of industrial land and to assess compatibility with surrounding land uses.

The General Plan encourages the City to monitor and maintain its inventory of heavy and light industrial land. As stated in Chapter 1, page 63 of the General Plan, a report entitled “Job Growth Projections and Employment Land Demand” analyzed all projected growth scenarios and indicated that the City has, in particular, a deficit of Industrial/Warehouse land based on projected demand. Currently, land designated Heavy Industrial or Light Industrial in the General Plan Land Use/Transportation Diagram has a high occupancy rate. Therefore, “Warehouse Indoor Retail Sale of Vehicles” on Sites that are designated Heavy Industrial or Light Industrial in the General Plan should only be permitted where the use would help to maintain or improve the viability of a Site for primary heavy or light industrial uses in the long term. This assessment would occur through the discretionary review process for Conditional Use Permit applications for “Warehouse Indoor Retail Sale of Vehicles” on specific Sites.

Conditional Use Permit Findings

To minimize the potential conflict of “Warehouse Indoor Retail Sale of Vehicles” uses with other industrial operations, the amendments propose a new section in the Industrial Zoning District Chapter 20.50 that would establish additional findings for approval of the use on a specific Site including:

- A. Such warehouse use occupies a minimum of ten thousand (10,000) square feet of floor area in existing industrial buildings; and
- B. The display of passenger vehicles, pick-up trucks not exceeding twenty five (25) feet in length or motorcycles, occupies a minimum of ninety (90) percent of the floor area open to the public in the existing industrial buildings; and that the display shall all occur indoors.
- C. A maximum of one (1) vehicle parking space per two hundred fifty (250) square feet of floor area shall be provided to serve the use; and
- D. No minimum vehicle parking is required for the use, notwithstanding the vehicle parking requirements in Chapter 20.90 of this Title; and
- E. The Planning Commission, or City Council on appeal, finds that the proposed use is compatible with the industrial character of the surrounding neighborhood and will not constrain the use of adjacent properties for industrial purposes or constrain future use of the Site for industrial purposes.
- F. On Sites that have a General Plan Land Use/Transportation Diagram designation of Heavy Industrial or Light Industrial the following additional provisions shall apply:

1. Retail sale of vehicle parts is prohibited.
2. Scheduled appointments shall be required for the public to visit the portion of the Site where the use is located.

Special Use Permit for Exceedance of Noise Standards instead of a Conditional Use Permit

As a streamlining measure for uses in conventional Industrial Zoning Districts, the proposed amendments would change the type of permit requirement for exceedance of single-event noise standards from a Conditional Use Permit to a Special Use Permit. This change is a streamlining measure for projects that involve uses that would not otherwise trigger a Conditional Use Permit and would establish a more consistent approach to noise regulation throughout the Zoning Ordinance and General Plan.

The single-event noise standard in the Zoning Ordinance is a very conservative performance standard, which is not proposed for modification at this time. The noise standard in the Zoning Ordinance that is permitted without a Use Permit identifies a peak allowable noise level for a single event, which can include any noise generated from the Site for a momentary time, such as equipment being tested at peak capacity, or brief shouting.

The Use Permit application process allows consideration of maximum noise levels averaged through a 24-hour period, so that momentary peak noise events don't skew the average maximum noise level. This method of measuring noise conforms to the method used for identifying the General Plan standards for maximum recommended noise levels.

The change in process from a Conditional to a Special Use Permit application changes the initial decision-making body from the Planning Commission with appeal to City Council, to the Planning Director with appeal to the Planning Commission. The process for consideration of approval is still discretionary requiring compliance with CEQA, with the decision for project approval or denial being made through a public hearing. Therefore, this amendment on permitting processes would not result in foreseeable environmental impacts.

General Plan Consistency

The above-mentioned proposed amendments are intended to add employment-related opportunities for occupancy and use of land in conventional Industrial Zoning Districts that are consistent with Goals and Policies in the General Plan for land use, employment, economic development, and fiscal sustainability including:

Goal IE-1 – Land Use and Employment

Proactively manage land uses to provide and enhance economic development and job growth in San José.

Policy – Land Use and Employment

IE-1.1 To retain land capacity for employment uses in San José, protect and improve the quantity and quality of all lands designated exclusively for industrial uses, especially those that are vulnerable to conversion to non-employment uses.

Goal IE-2 – Business Growth and Retention

Promote San José as an employment center. Nurture existing and attract new companies of all sizes (large anchor companies, emerging growth companies, small businesses) in industries that will drive the job and revenue growth for our City and regional economy.

Policies – Business Growth and Retention

IE-2.1 Maintain City government practices attuned to business needs for clear and timely use of incentives, regulations and development entitlement processes.

IE-2.2 Attract and sustain a growing concentration of companies to serve as the economic engine for San José and the region, particularly in driving industries such as information and communication technologies, clean technology, bioscience, and other sectors based on creativity and innovation.

IE-2.6 Promote retail development to the maximum extent feasible, consistent with other General Plan goals and policies, in order to generate City revenue, create jobs, improve customer convenience, and enhance neighborhood livability.

IE-2.7 Encourage business and property development that will provide jobs and generate revenue to support city services and infrastructure.

Policies – Cultivate Fiscal Resources

FS-2.1 Focus on economic development to sustain the fiscal health of our City, promoting land use development as a tool to support job growth, revenue generation, attractive place-making and the delivery of high quality government services to the community.

FS-2.3 Encourage development of industrial areas and redevelopment of existing older or marginal industrial areas (e.g. areas which could support intensified employment activity), particularly in locations that facilitate efficient commute patterns.

Goal FS-4 – Promote Fiscally Beneficial Land Use

Maintain, enhance, and develop our City's employment lands as part of our strategy for Fiscal Sustainability.

Policies – Promote Fiscally Beneficial Land Use

FS-4.1 Preserve and enhance employment land acreage and building floor area capacity for various employment activities because they provide revenue, near-term jobs, contribute to our City's long-term achievement of economic development and job growth goals, and provide opportunities for the development of retail to serve individual neighborhoods, larger community areas, and the Bay Area.

FS-4.5 Maintain and expand the total amount of land with either a Light Industrial or Heavy Industrial designation. Do not add overlays or other designations that would allow for non-industrial, employment uses.

FS-4.6 Consider conversion from one employment land use to another, except for Light Industrial or Heavy Industrial land uses, where the conversion would retain or expand employment capacity and revenue generation, particularly for intensification on-site if the proposed conversion would result in a net increase in revenue generation.

Goal LU-6 – Industrial Preservation

Preserve and protect industrial uses to sustain and develop the City's economy and fiscal sustainability.

Policies – Industrial Preservation

LU-6.2 Prohibit encroachment of incompatible uses into industrial lands and prohibit non-industrial uses that would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.

LU-6.3 When new uses are proposed in proximity to existing industrial uses, incorporate measures within the new use to minimize its negative impacts on existing nearby land uses and to promote the health and safety of individuals at the new development site.

LU-6.8 Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow non-industrial uses which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site.

Goal LU-8 – Maintain Employment Lands

Maintain appropriately designated Employment Areas for a mix of industrial and compatible commercial uses.

Policies – Maintain Employment Lands

LU-8.1 In areas that are designated for mixed industrial and commercial uses, allow only commercial uses that are compatible with industrial uses. Non-employment uses are prohibited in these areas.

LU-8.2 Encourage more large-format commercial uses in Combined Industrial/Commercial lands, since these development typologies are typically similar to the development scale of industrial development in the same area. Discourage small-scale and strip commercial shopping centers in the Combined Industrial/Commercial area.

All these Goals and Policies support economic development activities that generate jobs and revenue for the City, while protecting land for exclusively industrial purposes. The proposed amendments would implement these Goals and Policies while protecting the integrity of the industrial districts by including some restrictions upon the scale and breadth of new activities

that could be permitted through streamlined processes. Furthermore, uses or development subject to a discretionary permit process, such as a Conditional Use Permit, will continue to require analysis of General Plan consistency, including evaluation of consistency with the Site's specific General Plan Land Use/Transportation Diagram designation and policies related to the preservation of industrial land.

3) Facilitating Private Community Gathering Facilities

To increase sales tax revenue to the City's General Fund, as well as to respond to new entertainment and recreation trends, the proposed amendments would add "stadiums" as an enumerated Conditional Use in the TEC-Transit Employment Center and CIC-Combined Industrial/Commercial Zoning Districts, and "Outdoor Commercial Recreation" as an enumerated Conditional Use in the CIC-Combined Industrial/Commercial Zoning District. These uses are often operated with associated retail operations such as food and souvenir concessions that result in taxable sales.

Because these community gathering uses can be large-scale with specific elements that may need to be up to one hundred and fifty (150) feet in Height due to the inherent characteristics of their function, the proposed amendments would also change the maximum allowable Height in all zoning districts for communication towers, antennae and monopoles, net poles, and other similar non-Building structural uses from one hundred (100) feet to one hundred fifty (150) feet on Sites with nonresidential or non-urban land use designations, and maintain provisions for Height up to one hundred sixty (160) feet on Sites with an existing PG&E substation or high tension line corridor exceeding two hundred (200) KV, or the maximum allowable Building Height for the subject property established elsewhere within Title 20, whichever is greater, if all the following criteria are met:

1. The Site, Structure, and related use are located or constructed to minimize public visibility;
2. The project provides visual amenities, such as landscaping, to address and offset the visual impacts associated with the project use and related Structures; and
3. The decision-maker reasonably determines that there is substantial evidence that technical necessity requires greater Height, and, in the case of cellular facilities, the increased Height will result in a reduction in the number of existing or future freestanding monopoles.

These community gathering uses can be compatible with industrial park and light industrial uses. An assessment of a specific Conditional Use Permit application for such a use on a specific Site would consider how well the proposed use conforms to the General Plan Goals and Policies that relate to the preservation of employment lands and to compatibility with surrounding land uses.

General Plan Consistency

As stated in the General Plan, "Private community gathering facilities, including buildings used for religious activities, private clubs, performance venues, and school or sports activities, serve a critical role in establishing our sense of community, building civic identity and fostering the development of arts and culture." The proposed amendments are consistent with the Policies in

the General Plan for Private Community Gathering Facilities and Industrial Preservation including:

Policies – Private Community Gathering Facilities

VN-5.2 Encourage the location of Private Community Gathering Facilities on Regional Commercial or Neighborhood Commercial properties. Allow Private Community Gathering Facilities on Combined Industrial / Commercial Sites where it can be demonstrated that potential land use incompatibilities can be fully addressed.

VN-5.4 Recognize that Private Community Gathering Facilities can inherently involve large groups of people, including people who are susceptible to environmental hazards, such as children or the elderly. Carefully consider existing and potential future proximate land uses when locating Private Community Gathering Facilities to avoid health and safety risks and minimize incompatible land uses. Consider locating Private Community Gathering Facilities only on the edges of Industrial Park, Light Industrial or Heavy Industrial areas on properties that are directly adjacent to residential or school uses. Allow Private Community Gathering Facilities in these areas only if they will not have adverse impacts on the viability of the adjacent industrial area due to environmental hazards or land use incompatibilities. Do not locate Private Community Gathering Facilities within the interior of Industrial Park, Light Industrial, or Heavy Industrial areas.

VN-5.5 Consider Private Community Gathering Facilities through a discretionary review process to carefully evaluate land use compatibility, multi-use spaces, and conditions of approval.

Policy – Industrial Preservation

LU-6.9 Prohibit Private Community Gathering Facility uses in the interior of industrial park, light industrial, and heavy industrial areas. Consider these uses on the perimeter of such areas only, in accordance with Private Community Gathering Facility Goals & Policies in this Plan.

By creating more opportunities for locating Private Community Gathering Facility uses in the City in conventional zoning districts in a manner that is compatible with industrial uses, the proposed amendments directly implement these General Plan Policies.

4) Implement General Plan Goals and Policies for Urban Agriculture

The proposed provisions would allow Neighborhood Agriculture, as defined in Section 20.200.798 of the Zoning Ordinance, as a Permitted Use in all the conventional Industrial Zoning Districts, would establish definitions for “Plant Nursery” and “Aquaculture/Aquaponics,” and would enumerate “Aquaculture/Aquaponics” as a Special Use that would potentially be allowed upon approval of a Special Use Permit in all the conventional Industrial Zoning Districts.

The Zoning Ordinance defines “Neighborhood Agriculture” as a small-scale or incidental use on a Site as follows:

a use that occupies less than one (1) acre for the production of food or horticultural crops to be harvested, sold or donated or for animal husbandry in compliance with Title 7 of this Code. Neighborhood agricultural use may be a principal or an accessory use on a Site. Value-added products, where the primary ingredients of the product are grown and produced on-site, are included as a part of this use. Limited sales and donation of fresh food and/or horticultural products grown on-site may occur on-site as a part of a neighborhood agriculture use, subject to the provisions of Part 9 of Chapter 20.80, if applicable. Sales, pick-ups, and donations of fresh food and horticultural products grown on-site are also considered a part of a neighborhood agriculture use, subject to the provisions of Part 9 of Chapter 20.80, if applicable.

Currently, the Zoning Ordinance allows Neighborhood Agriculture as a Permitted Home Occupation in Residential Zoning Districts in compliance with Part 9 of Chapter 20.80. The proposed amendments would add this as a Permitted Use in conventional Industrial Zoning Districts.

“Aquaculture/Aquaponics” may potentially require new connections to water and sewer systems depending on the scale and elements of their operations. For these reasons, staff is proposing that such uses be considered through Special Use Permit applications so that there can be consideration of whether the specific aspects of their designs and operations management plans are appropriate on specific Sites.

General Plan Consistency

The proposed provisions for Neighborhood Agriculture and “Aquaponics/Aquaculture” are consistent with Major Strategy #11- “Design for a Healthful Community” and the related General Plan Goals and Policies, which support the physical health of community members by encouraging access to healthful foods. The General Plan further supports Healthful Community land use policies, enabling the operation of farmer’s markets, urban farming activities, and promoting the availability of healthful foods. The provisions are consistent with the following General Plan Goal and Policies for urban agriculture:

Goal LU-12 – Urban Agriculture Expand the cultivation and sale of locally grown agriculture as an environmentally sustainable means of food production and as a source of healthy food for San José residents.

Policies – Urban Agriculture

LU-12.1 Maintain existing and facilitate the development of new and expanded community gardens and farmers markets throughout San José, prioritizing the provision of these gardens in low income, nutritionally-deficient neighborhoods.

LU-12.2 Support urban agriculture opportunities such as back-yard, roof-top, indoor, and other gardens that produce ecologically sound food for personal consumption. Encourage developers to incorporate gardens that produce ecologically sound food for residents and workers.

LU-12.8 Support the efforts of non-profit organizations and the County to integrate and/or maintain sustainable small scale agriculture within existing and planned parks and open spaces including the planned Martial Cottle County Park, Guadalupe Gardens, and other publicly or privately owned properties where appropriate.

By creating more opportunities for urban agricultural uses in the City in conventional zoning districts, the proposed amendments directly implement these General Plan Goals and Policies.

5) Making Minor Changes within the Applicable Sections of the Zoning Ordinance

The proposed ordinance includes minor changes to delete redundant or conflicting provisions in the Zoning Ordinance including, but not limited to, amending the method of calculation of Commercial Support uses in the IP Industrial Park District; amending Section 20.50.270 to clarify that allowances for minor projections into Setback areas of up to twenty (20) percent of building length apply independently and not cumulatively to Subsections B and D of this Section; and amending Section 20.170.300 of Chapter 20.170 to delete additional parking requirements for Residential Condominium and Community Apartment Project Regulations beyond the parking requirements for residential uses enumerated in Chapter 20.90.

Conclusion

The proposed amendments support the City's economic development and urban agriculture goals by providing increased clarity and flexibility for the development of compatible commercial and urban agriculture uses within the City's conventional Industrial Zoning Districts, while also being consistent with goals and policies for employment lands as set forth in the General Plan.

PUBLIC OUTREACH/INTEREST

Planning staff held a community meeting on July 17, 2013, with approximately 30 members of the public including residents, industry representatives, and developers in attendance, followed by the PBCE Developers' Roundtable on August 2, 2013, which provided forums for public input on the proposed amendments.

Public outreach for this proposal complies with the City Council's Public Outreach Policy and the Municipal Code. A public hearing notice including the Planning Commission and City Council hearing dates was published in the San José Post-Record and emailed to a list of interested groups and individuals. Staff has posted the hearing notice, staff report and draft ordinance on the Department's website and has been available to discuss the proposal with interested members of the public.

Residents

Residents were concerned about opportunities for public input for stadium proposals. They were supportive of Conditional Use Permit requirements, particularly for stadiums with more than 2,000 seats to have their Conditional Use Permit applications first considered by Planning Commission as an advisory body, and then by Council as the Initial Decision-Making Body.

Developers

Developers were generally supportive of the proposed amendments. Previous correspondence in 2008 from the Sobrato Organization recommended that retail/commercial uses in conventional Industrial Zoning Districts be considered only as a Conditional Use as opposed to a Special Use, which is consistent with the provisions of the proposed ordinance.

Non-Government Organizations

Representatives from neighborhood organizations, environmental groups, and non-profit educational groups attended the July 17th community meeting. Zachary Lewis, representing CommUniversity/Garden To Table, expressed support and provided input for changes to all zoning districts to facilitate urban agriculture uses citywide. Shani Kleinhaus representing the Santa Clara Valley Audubon Society stated that environmental review for development proposals should assess the potential impacts to biotics and potential hazards from locating proposed uses in industrial areas. Staff responded that these issues would be part of the environmental review for development permit applications.

COORDINATION

The preparation of the proposed ordinance and this staff report were coordinated with the City Attorney's Office and the Office of Economic Development. Additionally, the Santa Clara County Airport Land Use Commission considered the proposed ordinance at its meeting on August 28, 2013 and determined that it is consistent with the Mineta San José International Airport Comprehensive Land Use Plan.

CEQA

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program. Accordingly, the Final Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan entitled, "Envision San José 2040 General Plan," for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final PEIR. Therefore, the City of San José may take action on the project as being within the scope of the Final PEIR, File No. PP13-077.

/s/

JOSEPH HORWEDEL, DIRECTOR

Planning, Building and Code Enforcement

For questions, please contact Jenny Nusbaum, Senior Planner at 408-535-7872.

Attachments: Matrix of related Previously Approved Amendments
Draft Ordinance
Public Correspondence

**ZONING ORDINANCE AMENDMENTS APPROVED IN THE LAST 2 YEARS
FOR ECONOMIC DEVELOPMENT AND ACCESS TO HEALTHFUL FOOD**

Topic	San José Municipal Code Amendment Scope	Ordinance No.	Effective Date
	Title 20 Changes 2012-2013		
Access to Healthful Food and Economic Development: Outdoor Vending Streamlining	Streamlined regulations for Outdoor Vending on privately-owned parcels to facilitate compliance by: 1) clarifying and refining regulations and responsibilities for the siting, operation and maintenance of Outdoor Vending Facilities to maintain land use compatibility, appearance, and safety; and 2) allowing Outdoor Vending of fresh fruits and vegetables in residential and nonresidential zoning districts and eliminating the requirement to obtain an Administrative Permit for this use if the use is conducted in compliance with certain requirements.	<u>29254</u>	07/05/13
Access to Healthful Food and Economic Development: Certified Farmers' Markets	Added the TEC-Transit Employment Center Zoning District. Allowed Certified Farmers' Markets in the A-Agriculture and OS-Open Space Zoning Districts. Allowed Wholesale Auto Dealers with no on-site storage as a Permitted Use in Commercial Zoning Districts. Reduced minimum required setbacks for Commercial Zoning Districts. Clarified incidental auto repair uses. Added more flexibility for the development of specific commercial and industrial uses in the Industrial Zoning Districts including adding Off-site Sale of Alcoholic Beverages as a Conditional Use incidental to a winery/brewery or distillery. Allowed Cottage Food operations as a Home Occupation within Residential Zoning Districts. Deleted some provisions for Outdoor Private Property Special Events.	<u>29218</u>	04/05/13
Access to Healthful Food and Economic Development: Certified Farmers' Markets	Added Certified Farmers Market (CFM) and Small Certified Farmers Market definitions. Conditional Use Permit (CUP) requirement for CFMs changed to Special Use Permit (SUP). Allowed Small CFMs as a Permitted Use in Commercial and IP-Industrial Park zoning districts, and in Residential Zoning Districts if located on a school, library, community center, or religious assembly site.	<u>29122</u>	09/27/12
Access to Healthful Food and Economic Development: Neighborhood Agriculture	Provided for the Neighborhood Agriculture use as a Home Occupation in specified circumstances.	<u>29011</u>	02/09/12

ZONING ORDINANCE AMENDMENTS APPROVED IN THE LAST 2 YEARS
For Economic Development and Access to Healthful Food *Page 2 of 2*

Economic Development	Allowed more flexibility for the development of specific commercial and industrial uses in certain Industrial Zoning Districts, including: addition of public and private elementary and secondary schools as a Conditional Use in certain districts, addition of drinking establishments in conjunction with a winery or brewery as a conditional use in certain districts, the enumeration of wineries and breweries as a permitted use in certain districts, the addition of hospitals/in-patient facilities as a conditional use in certain districts, the addition of vehicle sales as a Conditional Use in certain districts, the addition of sale of vehicle parts conforming to specifically identified criteria as a Permitted or Special Use in certain districts, and the addition of miniwarehouse/ ministorage as a Permitted Use in certain districts.	<u>29042</u>	04/13/12
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San Jose, CA Code of Ordinances

**Chapter 20.50
INDUSTRIAL ZONING DISTRICTS**

**Part 2
USES ALLOWED**

20.50.100 Allowed Uses and Permit Requirements.

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Permitted" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial land use designation or, in the case of hotel/motel establishments, which may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay, are indicated by a "P^{GP}" on Table 20-110.
- C. "Conditional" uses are indicated by a "C" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

"Conditional" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial designation or, in the case of hotel/motel establishments, may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay, are indicated by a "C^{GP}" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

- D. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.

"Conditional" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial designation are indicated by a "CC^{GP}" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional

Use Permit as set forth in Chapter 20.100.

- E. "Special" uses are indicated by a "S" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- F. "Administrative" uses are indicated by an "A" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- G. "Restricted" land uses are indicated by an "R" on Table 20-110. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- H. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not permitted.
- I. When the right column of Table 20-110 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San Jose Municipal Code.

Table 20-110 Industrial Districts Land Use Regulations						
Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	HI	
Industry						
Auction	C	C	C ^{GP}	C ^{GP}	-	
Industrial services	-	-	-	P	P	
Laboratory, processing	P	P	P	P	P	
Manufacturing and assembly						
Light	P	P	P	P	-	
Medium	P	P	P	P	P	

Heavy	-	-	-	-	P	
Research and development	P	P	P	-	-	
Catalog and mail order	P	P	P	P	-	
Construction / Corporation yard	-	-	-	S	S	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	-	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	-	-	C	
Hazardous materials storage facility	-	-	-	C	C	
Hazardous waste facility	-	-	-	-	C	
Junkyard	-	-	-	-	C	
Miniwarehouse/ministorage	-	-	-	P	P	
Outdoor uses or storage, industrial	-	-	-	S	P	Section 20.50.210
Private Power Generation	C	C	C	C	C	
Stockyard, including slaughter	-	-	-	-	C	
Warehouse/distribution facility	P	P	P	P	P	
Wholesale sale establishment	P	S	S	P	P	
Wineries, breweries	P	P	P	P	P	
Additional Uses						
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	-	C	

Any use without a permanent fully enclosed Building on-site	C	C	C	S	S	
Commercial support	-	P	P	-	-	Note 5; Section 20.50.110
Retail sales, goods and merchandise	P	P	-	-	-	Note 5; Section 20.50.110
Retail art studio	P	P	-	-	-	
Alcohol, off-site sales –beer and/or wine only	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-site sales, full range of alcoholic beverages	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-site sales –beer and/or wine only and incidental to a winery/brewery	C	C	C	C	C	Note 12; Section 20.50.110
Alcoholic beverages, off-site sales –distilled spirits only and incidental to a distillery	C	C	C	C	C	Note 12; Section 20.50.110
Bakery, retail	P	P	-	-	-	Note 5; Section 20.50.110
<u>Aquaculture; Aquaponics</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
Certified Farmers' Market	-	S	S	-	-	Part 3.5, Chapter 20.80
Certified Farmers' Market - Small	-	P	P	-	-	Part 3.5, Chapter 20.80
Food, beverage, groceries	P	P	-	-	-	Note 5; Section 20.50.110
<u>Neighborhood Agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Nursery, plant	P	P	-	C	C	
Outdoor Vending	A	A	-	A	A	Part 10, Chapter 20.80

Outdoor Vending – Fresh Fruits and Vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Large format commercial establishment	-	-	C ^{GP}	C ^{GP}	-	
Large format commercial establishment, associated commercial	-	-	C ^{GP}	C ^{GP}	-	Section 20.50.115
Warehouse retail	-	-	C	C	C	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	P	P		C		
Seasonal sales	P	P	P	P	P	Part 14, Chapter 20.80
Education and Training						
Day care center	C	C	C ^{GP}	C ^{GP}	-	
School, driving (class A & B license)	-	-	-	P	P	
Instructional art studios	P	P	-	-	-	
Instructional art studios, live models	C	C	-	-	-	
Private instruction, personal enrichment	P	P	-	-	-	
School- elementary and secondary (public or private)	C	C	-	-	-	Note 11
School, post secondary	C	C	C	-	-	
School, trade and vocational	C	C	-	C	C	
Entertainment and Recreation Related						
Recreation, commercial / indoor	P	C on lands with a General Plan land	C ^{GP}	C ^{GP}	-	Note 5, Section 20.50.110

		use designation of Transit Employment Center; C ^{GP} on lands with other General Plan land use designations				
<u>Recreation, commercial / outdoor</u>	<u>C</u>	=	=	=		
Relocated cardroom	C ^{GP}	C ^{GP}	C ^{GP}	C ^{GP}	-	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C	C ^{GP}	-	
<u>Stadium, 2,000 seats or fewer including incidental support uses</u>	<u>C^{GP}</u>	<u>C on lands with a General Plan land use designation of Transit Employment Center; C^{GP} on lands with other General Plan land use designations</u>	=	=	=	<u>Note 15</u>
<u>Stadium, more than 2,000 seats including incidental support uses</u>	<u>CC^{GP}</u>	=	=	=	=	<u>Note 15; Note 16</u>
Food Services						
Caterer	P	P	-	-	-	
Drinking establishments	C	C	-	-	-	
Drinking establishments interior to a full-service hotel/motel that includes 75	P	S if within 150 feet of residentially used or	P ^{GP}	-	-	Section 20.80.475; Note 13

or more guest rooms		zoned Lot; P if not within 150 feet of residentially used or zoned Lot				
Drinking establishment in conjunction with a winery or brewery	C	C	C	C	C	
Public eating establishments	P	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	P	S if within 150 feet of residentially used or zoned Lot; P if not within 150 feet of residentially used or zoned Lot	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Health and Veterinary Services						
Animal boarding, indoor	P	P	-	-	-	Note 14
Animal grooming	P	P	-	-	-	Note 14
Emergency ambulance service	C	C ^{GP}	C ^{GP}	C ^{GP}	-	
Hospital/in-patient facility	C	C	C	-	-	Note 6
Medical marijuana collective [USE SUSPENDED]	R	-	-	R	-	Part 9.75, Chapter 20.80
Office, medical	P	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	P	-	-	-	Note 14
General Services						
Crematory	-	-	-	C ^{GP}	C	Note 7

Mortuary, without funeral services	-	-	-	P	P	
Dry cleaner	P	P	-	-	-	
Hotel / motel	P	P on lands with a General Plan land use designation of Transit Employment Center; P ^{GP} on lands with other General Plan land use designations	C ^{GP}	-	-	
Laundromat	P	P	-	-	-	
Maintenance and repair, small household appliances	P	P	-	-	-	
Messenger services	P	P	-	-	-	
Personal services	P	P	-	-	-	Note 5, Section 20.50.110
Photo processing and developing	P	P	P	P	P	
Printing and publishing	P	P	P	P	P	
Social service agency	-	C	C	C	C	
Offices and Financial Services						
Automatic teller machine	P	P	P	P	P	Section 20.80.200
Business support	P	P	-	-	-	
Financial institution	P	P	-	C ^{GP}	-	Note 5, Section 20.50.110
Office, general business	P	P	P	-	-	

Common carrier	-	-	-	C	P	
Common carrier depot	S	S	S	S	S	
Community television antenna systems	C	C	C	C	C	
Data center	S	S	S	S	S	
Off-site, alternating and alternative use parking arrangements	S	S	S	S	S	Section 20.90.200
Parking establishment not permitted in Tables 20-30, 20-50 and 20-90	C	C	C	C	C	
Parking establishment, off-street	C	C	C	C	C	
Television, radio studio	C	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Wireless communication antenna	C	C	C	C	C	Section 20.100.1300
Wireless communication antenna, <u>Slimline Monopole</u>	S	S	S	S	S	Section 20.80.1900
Wireless communication antenna, Building mounted	P	P	P	P	P	Section 20.80.1910
Electrical Power Generation						
Base Load Facility	-	-	-	-	C	
Stationary Peaking Facility	-	-	-	C	C	
Transportable Peaking Facility	-	-	-	C	C	
Private Power Generation Facility	C	C	C	C	C	

Co-generation Facility	S	S	S	S	S	
Stand-by/Back-up/Small-scale Renewable Power						
Facilities that do not exceed noise and air standards	P	P	P	P	P	
Facilities that do exceed noise and air standards	C	C	C	C	C	
Temporary stand-by-backup	P	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	P	Section 20.100.610 C.7.
Vehicle Related Uses						
Auto dealer, wholesale, no on-site storage	P	P	P	-	-	
Car wash, detailing	C	C	-	-	-	
Gas or charge station, excluding incidental service or repair	P	C	C ^{GP}	C ^{GP}	-	Note 2, Note 8
Gas or charge station with incidental service and repair	P	C	C ^{GP}	C ^{GP}	-	Note 3
Sale, brokerage, or lease (rental) of passenger vehicles, pick-up trucks not exceeding 25 feet in length and motorcycles	C	C	-	C	-	Note 10
<u>Warehouse indoor retail sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Section 20.50.140</u>
Repair and cleaning of vehicles	C	-	-	P	P	Note 4
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction	C	-	-	C	-	

equipment						
Sale, vehicle parts	P	P	-	P/S	-	Note 9
Vehicle tow yard	-	-	-	C	S	
Vehicle wrecking, including sales of parts	-	-	-	-	C	
Historic Reuse						
Historic landmark Structure reuse	S	S	S	S	S	Part 8.5 Chapter 20.80

Notes:

1. Site must be seven (7) acres or more.
2. No incidental repair or service.
3. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune- up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
5. Retail; recreation, commercial/indoor establishments; public eating establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and personal service establishments are permitted in the IP District subject to the limitations of commercial support use, Section 20.50.110. Public eating establishments in the LI or HI districts are limited to a maximum of 650 gross square feet in size.
6. Refer to the General Plan for criteria to determine if the use is permissible at the proposed location.
7. Crematories shall be separated by at least 500 linear feet from residential uses, schools, and day care centers, which distance(s) shall be measured from the nearest points of the Parcel boundary on which the crematory is proposed and the Parcel boundary on which the residential, school or day care center use is located.
8. ~~Pedestal~~Charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all industrial zoning districts.
9. Vehicle parts sales are permitted in the LI District when the total floor area dedicated to retail display and open to the public occupies no more than 15% of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed 15% of the gross floor area of the individual tenant space are subject to a special use permit.

10. Any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
11. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
12. Off-sale of Alcoholic Beverages. The total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:
 - a. Two hundred fifty (250) gross square feet; or
 - b. Five (5) percent of the winery's, brewery's, or distillery's entire gross floor area; and any and all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
13. At least two hundred (200) rooms and four (4) or more stories in Height are required for hotels located in the TEC Transit Employment Center Zoning District.
14. In the TEC Zoning District, all uses involving any type of care for animals, including but not limited to grooming, boarding, and medical care, must be conducted wholly inside a Building.
15. Primary uses include sporting events, large assembly, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.
16. Use Permit applications for stadiums that consist of more than 2,000 seats and that are in an airport influence area shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.

20.50.110 Commercial Support.

Commercial Support is permitted in the IP Industrial Park District only when all of the following criteria are met:

- A. Such commercial uses serve the immediate area; and
- B. Such commercial uses are located entirely within Buildings occupied by primary uses permitted in the IP District; and
- C. The sum of all such commercial uses in any single Building on the Site occupies no more than ten (10) percent of the gross floor area of the Building or no more than twenty thousand (20,000) square feet, whichever is less; or, in the case of medical offices as the sole commercial support use in a building, the sum of such medical office use in any single Building on the Site occupies no more than twenty (20) percent of the gross floor area of the Building or no more than twenty thousand (20,000) square feet, whichever is less; and
- D. Such commercial uses are limited to the following:

Deleted: the buildings

Deleted: any

Deleted: of any Building

Deleted: of any Building

Deleted: any

1. Retail; including off-sale of alcohol, subject to a conditional use permit.
2. Recreation, commercial/indoor.
3. Personal service establishment.
4. Public eating establishment.
5. Outdoor dining, incidental to a public eating establishment.
6. Financial institution.
7. Medical clinic.
8. Medical office.
9. Amusement game devices, up to nine (9) per business establishment, as an (incident) to one (1) or more of the above enumerated commercial uses.

20.50.140 Warehouse Indoor Retail Sale of Passenger Vehicles, Pick-up Trucks not Exceeding 25 feet in Length, and Motorcycles.

- A. A Conditional Use Permit may be issued for warehouse indoor retail sale of passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles in the Industrial Zoning Districts only when all of the following criteria are met:
1. Such warehouse use occupies a minimum of ten thousand (10,000) square feet of floor area in existing industrial buildings; and
 2. The display of passenger vehicles, pick-up trucks not exceeding twenty five (25) feet in length or motorcycles, occurs solely indoors and occupies a minimum of ninety (90) percent of the floor area that is open to the public in the existing industrial buildings; and
 3. A maximum of one (1) vehicle parking space per two hundred fifty (250) square feet of floor area shall be provided to serve the use; and
 4. The Planning Commission, or City Council on appeal, finds that the proposed use is compatible with the industrial character of the surrounding neighborhood and will not constrain the use of adjacent properties for industrial purposes or constrain future use of the site for industrial purposes.
 5. On sites that have a General Plan Land Use/Transportation Diagram designation of Heavy Industrial or Light Industrial the following additional provisions shall apply:
 - a. Retail sale of vehicle parts is prohibited.

- b. Scheduled appointments shall be required for the public to visit the portion of the site where the use is located.

- B. No minimum vehicle parking is required for the use, notwithstanding the vehicle parking requirements in Chapter 20.90 of this Title.

Part 4 SETBACK REGULATIONS

20.50.270 Setback Areas - Open, Unobstructed, and Unoccupied.

Except as otherwise expressly and specifically provided in other sections of this Title, every part of every Setback Area shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all Buildings or Structures except as follows:

- A. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any Setback Area;
- B. Any portion of a Building (including but not limited to bay windows, chimneys, and ~~bump-outs architectural elements that project out from the primary surface of the Building façade~~, whether on a foundation or cantilevered) not occupying in the aggregate more than twenty (20) percent of the length of the side of the Building, may project horizontally for a distance of not more than two (2) feet into any Setback Area, provided that such extensions maintain a minimum setback of at least three (3) feet;
- C. ~~Tankless water heaters and power inverters may project horizontally for a distance of not more than two feet into any Setback Area;~~
~~In addition to projection into the Setback Area allowed under Subsection B,~~
~~Wells~~ for basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty (20) percent of the length of the side of the Building on which they are located, may project horizontally for a distance of not more than two (2) feet into the Side and Rear Setback Area, provided that such extensions maintain a minimum Setback of three (3) feet;
- D. ~~Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any Setback Area;~~
- E. Overhead wires necessary for electrical and telephone service to a Building on the Lot;
- F. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical needs of the Lot or of a Building on the Lot; and
- G. Walks and driveways for vehicular or pedestrian access to the Lot.

Part 5 PERFORMANCE STANDARDS

20.50.300 Performance Standards.

- A. In the IP, LI and HI Industrial Districts no primary, secondary, incidental or Conditional Use or activity related thereto shall be conducted or permitted:
1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
 2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or
 3. In a manner that creates a public or private nuisance.
- B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Industrial Zoning Districts:
1. Incineration. There shall be no incineration on any site of any waste material.
 2. Vibration. There shall be no activity on any site that causes ground vibration which is perceptible without instruments at the property line of the site.
 3. Air Pollution. Total emissions from any use or combination of uses on a site shall not exceed the emissions and health risk thresholds as established by the Director of Planning.
 4. Noise.
 - a. The sound pressure level generated by any use or combination of uses shall not exceed the decibel level at any property line as shown in Table 20-135, except upon issuance and in compliance with a Conditional-Special Use Permit as provided in Chapter 20.100.

**Table 20-135
Noise Standards**

	Maximum Noise Level in Decibels at Property Line
Industrial use adjacent to a property used or zoned for residential purposes	55

Industrial use adjacent to a property used or zoned for commercial purposes	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

Chapter 20.85 SPECIFIC HEIGHT RESTRICTIONS

Part 3 SPECIFIC USE HEIGHT RESTRICTIONS

20.85.030 Specific Use Height Restrictions.

Subject to the provisions of Section 20.85.010C, the following uses shall be subject to the following specific Height restrictions when such uses are located in an area subject to this Chapter as referenced in Sections 20.30.200, 20.40.200 and 20.50.200. In instances where multiple specific Height restrictions would apply to a use described in this Section 20.85.030, other than uses located within an airport influence area, the more permissive applicable regulation shall govern. For uses located within an airport influence area, the most restrictive applicable regulations shall govern.

- A. Communication towers and other structures. For communication towers, antennae and monopoles, net poles, and other similar non-Building structural uses, including Structures on top of Buildings, such as energy-saving devices, bell towers, Wireless Communication Antennae, and associated Structures, specific Height limits may be established in the context of development project review provided, however, that the maximum allowable Height is one hundred fifty (1950) feet on Sites with nonresidential or non-urban land use designations, and up to one hundred sixty (160) feet on Sites with an existing PG&E substation or high tension line corridor exceeding two hundred (200) KV, or the maximum allowable Building Height for the subject property established elsewhere within Title 20, whichever is greater, if all the following criteria are met:
1. The Site, Structure, and related use are located or constructed to minimize public visibility;
 2. The project provides visual amenities, such as landscaping, to address and offset the visual impacts associated with the project use and related Structures; and
 3. The decision-maker reasonably determines that there is substantial evidence that technical necessity requires greater Height, and, in the case of cellular facilities, the increased Height will result in a reduction in the number of existing or future freestanding monopoles.

- B. Single-Room Occupancy (SRO). For Single-Room Occupancy (SRO) Buildings, wholly used as such or combined with commercial uses, the maximum allowable Building Height is sixty (60) feet.

20.100.220 Appeal - Hearing body.

Decisions on permits or approvals pursuant to this chapter are subject to appeal as set forth in Table 20-260 which lists the initial decision maker and the decision making body which will hear any appeal.

Table 20-260 Appeal Hearing Body		
Application	Initial Decision Making Body	Appeal Decision Making Body
Administrative permit	Director of Planning	No Appeal
Site development permit	Director of Planning	Planning Commission
Site development permit - Projects within downtown districts and exceeding 150 feet and FAR of 6:1	Director of Planning	City Council
Single-family house permit	Director of Planning	
Administrative decision	Director of Planning	No Appeal
Director's hearing	Director of Planning	Planning Commission
Planned development permit	Director of Planning	Planning Commission
Special use permit	Director of Planning	Planning Commission
Conditional use permit	Planning Commission	City Council
<u>Conditional use permit - Stadium, more than 2,000 seats including incidental support uses</u>	<u>City Council</u>	<u>No Appeal</u>
Conditional use permit - Drinking establishments with an approved maximum occupancy load of over 250 persons that operate between 12:00 midnight and 6:00 a.m.	City Council	No Appeal
Conditional use permit involving off-premises sale of alcoholic beverages requiring a determination under Chapter 6.84 where findings required by Planning Commission under Section 6.84.030.B.1. through 4. cannot be made	City Council	No Appeal

Variance	Director of Planning	Planning Commission
Exception	Director of Planning	Planning Commission
Sidewalk café permit	Director of Planning	City Council
Tree removal permit	Director of Planning	
Administrative decision	Director of Planning	No Appeal
Director's hearing	Director of Planning	Planning Commission
Zoning code verification certificate	Director of Planning	No Appeal

Chapter 20.170
RESIDENTIAL CONDOMINIUM AND COMMUNITY APARTMENT PROJECT
REGULATIONS

Part 3
PROPERTY AND CODE REQUIREMENTS

20.170.300 Development Standards.

Subject to the provisions of Section ~~20.170.60~~ 240, to achieve the purposes of this chapter, all projects shall conform to the following development standards:

- ~~2. The off-street parking requirements for a project shall be one and one-half parking spaces for each unit. One such space per unit shall be assigned.~~
1. The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shut-off valve shall be provided for each unit or for each plumbing fixture.
2. Each unit shall have its own panel board for all electrical circuits which serve the unit.
3. Wall and floor-ceiling assemblies shall conform to the sound insulation performance criteria promulgated in Title 25, Chapter 1, Subchapter I, Article 4, Section 78, or its successor, of the California Administrative Code. Required existing floor covering may only be replaced by another floor covering that provides the same or greater insulation.

Chapter 20.200 DEFINITIONS

20.200.110.5 Aquaculture/ Aquaponics

"Aquaculture" is the cultivation of aquatic animals or plants under controlled conditions in compliance with Title 7 of this Code as applicable. "Aquaponics" is the integration of aquaculture with hydroponics, in which the waste products from aquatic animals are treated and then used to fertilize hydroponically growing plants.

20.200.811 Nursery, Plant.

A "Plant Nursery" means a use in which plants and trees are grown, cultivated, produced or managed for on-site or off-site sale or for off-site planting.

20.200.813 Office, General Business.

A General Business Office is a space within which management-level administrative services for firms and institutions isare provided; or within which services to individuals, firms, or other entities isare provided. Examples of a General Business Office use include but are not limited to offices within which the following services are provided: real estate, insurance, property management, title companies, investment, personnel, travel, and similar services, and including business offices of public utilities or other activities when the service rendered is a service that is customarily associated with office services.

Nusbaum, Jenny

From: Crabtree, Andrew
Sent: Thursday, August 29, 2013 4:27 PM
To: Nusbaum, Jenny
Subject: FW: Support for Urban Agriculture Zoning Code Amendments
FYI – in case you didn't get this already.

From: Hilary Nixon [mailto:hilary.nixon@sjsu.edu]
Sent: Wednesday, July 10, 2013 11:34 AM
To: Crabtree, Andrew
Subject: Support for Urban Agriculture Zoning Code Amendments

Dear Andrew,

I would like to provide my support for the proposed zoning code amendments related to urban agriculture in San Jose (specifically neighborhood agriculture and aquaponics/bee keeping/egg production). These activities are important in terms of increasing the availability of fresh, healthy food in our local community, reducing the distance food must travel from farm to table, increasing opportunities for local economic development, and meeting many of the goals of San Jose's Envision 2040 General Plan update. Urban agriculture can have significant benefits to the local community and can be done in a way that minimizes any potential impact on the neighborhood.

Regards,

Hilary Nixon, Ph.D.
Associate Professor
Associate Chair and Graduate Adviser
Department of Urban & Regional Planning
One Washington Square (WSQ 218A)
San Jose State University
San Jose, CA 95192-0185
408.924.5852
408.924.5872 (fax)

8/29/2013

INDUSTRIAL ZONING DISTRICTS

ABBREVIATED AND SIMPLIFIED Table 20-110 Industrial Districts Land Use Regulations for Newly Enumerated Uses						
Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	HI	
Additional Uses						
<u>Aquaculture; Aquaponics</u>	<u>SPECIAL USE PERMIT</u>					
<u>Neighborhood Agriculture</u>	<u>PERMITTED</u>					
Entertainment and Recreation Related						
<u>Recreation, commercial / outdoor</u>	<u>CONDITIONAL USE</u>	<u>PROHIBITED</u>				
<u>Stadium, 2,000 seats or fewer including incidental support uses</u>	<u>CONDITIONAL USE WITH CIC GENERAL PLAN DESIGNATION</u>	<u>CONDITIONAL USE</u> on lands with a General Plan land use designation of Transit Employment Center; C ^{GP} on lands with other General Plan land use designations	<u>PROHIBITED</u>		<u>Note 15</u>	
<u>Stadium, more than 2,000 seats including incidental support uses</u>	<u>COUNCIL CONDITIONAL USE WITH CIC GENERAL PLAN DESIGNATION</u>	<u>PROHIBITED</u>			<u>Note 15; Note 16</u>	
Vehicle Related Uses						
<u>Warehouse indoor retail sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles</u>	<u>CONDITIONAL USE</u>					<u>Section 20.50.140</u>

Notes:

15. Primary uses include sporting events, large assembly, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.
16. Use Permit applications for stadiums that consist of more than 2,000 seats and that are in an airport influence area shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.